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General Assembly
Fifty-third Session

Official Records

102nd plenary meeting
Wednesday, 23 June 1999, 3 p.m.
New York

President: Mr. Opertti ..... (Uruguay)

The meeting was called to order at 3.20 p.m.

Agenda item 8 (*continued*)

Adoption of the agenda and organization of work

Letter from the Secretary-General (A/53/1001)

The President (*spoke in Spanish*): This afternoon, I should like to draw the attention of members to document A/53/1001, which contains a letter dated 11 June 1999 from the Secretary-General addressed to the President of the General Assembly under agenda item 112, entitled "Review of the efficiency of the administrative and financial functioning of the United Nations", and agenda item 119, entitled "Human resources management".

In his letter, the Secretary-General seeks the concurrence of the General Assembly with respect to a two-month extension, until the end of August 1999, of the services of the one remaining individual brought in as gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991.

Members will recall that at its 3rd plenary meeting, held on 15 September 1998, the General Assembly allocated agenda items 112 and 119 to the Fifth Committee.

In order to enable the General Assembly to consider expeditiously the request contained in the letter from the Secretary-General, may I take it that the General Assembly decides to consider agenda items 112 and 119 directly in plenary meeting?

It was so decided.

The President (*spoke in Spanish*): We shall therefore proceed accordingly.

Agenda items 112 and 119 (*continued*)

Review of the efficiency of the administrative and financial functioning of the United Nations

Human resources management

Letter from the Secretary-General (A/53/1001)

The President (*spoke in Spanish*): As mentioned earlier, in his letter contained in document A/53/1001, the Secretary-General seeks the concurrence of the General Assembly with respect to a two-month extension, until the end of August 1999, of the services of the one remaining individual brought in as gratis personnel in the International Tribunal for the Former Yugoslavia. This request is made pursuant to paragraph 18 of General Assembly resolution 52/234 of 26 June 1998.

The one remaining individual brought in as gratis personnel in the International Tribunal for the Former Yugoslavia has been the leading prosecution co-counsel in the Blaskić trial, which commenced in July 1997. As

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noted by the General Assembly in its resolution 53/218 of 7 April 1999, the service of this individual brought in as gratis personnel was extended exceptionally until 30 June 1999, to allow for the anticipated completion of the trial on the same date or earlier. The Prosecutor of the International Tribunal for the Former Yugoslavia has advised the Secretary-General that, contrary to earlier expectations, the Blaskić trial is currently expected to end by the end of August 1999, for the reasons given in the letter from the Secretary-General.

The Prosecutor has stressed that it would be impossible to replace the individual brought in as gratis personnel at this critical stage of the case and that his premature departure would significantly weaken the Prosecution's case and prevent the Office of the Prosecutor from being fairly and equitably represented at the trial.

The Secretary-General believes that the current situation in the Blaskić trial is the result of exceptional trial-related circumstances which are beyond the control of the Secretariat. He therefore recommends that the General Assembly approve the request of the Prosecutor to extend until 31 August 1999 the services of the individual brought in as gratis personnel.

It there is no objection, may I take it that the General Assembly decides to extend until the end of August 1999 the services of the one remaining individual brought in as gratis personnel in the International Tribunal for the Former Yugoslavia?

It was so decided.

Mr. Barnwell (Guyana): I have the honour to speak on behalf of the Group of 77 and China.

The Group of 77 and China appreciates the efforts by the Secretariat to follow the procedure in respect of the acceptance of gratis personnel in accordance with resolutions 51/243 and 52/234. However, we would like to raise two points in this regard.

First, the Fifth Committee is the appropriate Main Committee of the General Assembly to be entrusted with the responsibility for administrative, budgetary and human resources matters, as recently reaffirmed in resolution 53/221.

Secondly, rule 153 of the rules of procedure of the General Assembly provides that no resolution in respect of which expenditures are anticipated by the Secretary-General shall be voted on by the General Assembly until the Fifth Committee has had an opportunity to state the effect of the proposal upon the budget estimates of the United Nations. The acceptance of gratis personnel or the extension of their tenure has financial implications in the form of administrative support costs.

In the view of the Group of 77 and China, the request for the extension of one person as gratis personnel in the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 should have been considered by the Fifth Committee before being acted upon by the General Assembly. However, we are willing to join the consensus on this matter on the understanding that this shall not set a precedent and that the established procedure and the rules of procedure of the General Assembly shall be observed in the future.

Mr. Lozinski (Russian Federation) *(spoke in Russian)*: Bearing in mind the exceptional circumstances, and in the spirit of consensus and constructive cooperation among all the Member States of the United Nations, the delegation of the Russian Federation did not object to the adoption of this decision by the General Assembly on the request of the Secretary-General contained in document A/53/1001.

At the same time, I would like to express the firm view of the Russian delegation that the decision we have just taken in no way a precedent for the institutionalization of exceptions to the provisions of resolutions previously adopted by the General Assembly of the United Nations. We emphasize that in the future the adoption and use of gratis personnel by the United Nations should be carried out in strict compliance with the decisions and resolutions of the General Assembly. In this case we have in mind first and foremost resolutions 51/243 and 52/234, on gratis personnel, as well as the relevant provisions of resolution 53/212, on the funding of the International Tribunal for the Former Yugoslavia.

The President *(spoke in Spanish)*: We have thus concluded this stage of our consideration of agenda items 112 and 119.

The meeting rose at 3.30 p.m.